Remarks:

Reconsideration of the application is requested.

Claims 1-11 remain in the application. Claims 1 and 10 have been amended.

In item 3 on page 2 of the above-identified Office action, claim 8 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner has stated that in claim 8, line 2, the term "the group" lacks proper antecedent basis.

According to MPEP 2173.05(h)(8th edition, 1st revision)

> **2173.05(h) Alternative Limitations**
> **I. MARKUSH GROUPS**
> ...
> One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being "selected from **the** group consisting of A, B and C." See *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925).

(emphasis added)

Since the term "the group" is used in claim 8 in context of a *Markush Group*, the term "the group" is therefore believed to be proper.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the

Examiner find any further objectionable items, Counsel would appreciate a telephone call during which the matter may be resolved.

In item 5 on page 3 of the Office action, claims 1-2 and 6-8 have been rejected as being anticipated by *Echensperger et al.* (US 6,199,160) under 35 U.S.C. § 102.

In item 11 on page 4 of the Office action, claims 3-5 and 9-11 have been rejected as being obvious over *Echensperger et al.* under 35 U.S.C. § 103.

In item 14 on page 5 of the Office action, claims 1-11 have been rejected as being obvious over *Shaffer et al.* (US 6,185,290) under 35 U.S.C. § 103.

The rejections have been considered and claim 1 has been amended, in particular, by moving one feature from claim 10 to claim 1 in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 as amended calls for, inter alia:

a telecommunications apparatus having a virtual terminal with properties of a terminal with administration authorization; and

a remote computer connected to said virtual terminal of said telecommunications apparatus, and a data stream to and from said virtual terminal being diverted to said remote computer for remote administration of said telecommunications apparatus.

In item 6 on page 3 of the Office action, the Examiner stated that *Echensperger et al.* disclose "a telecommunications apparatus (2, fig. 2) defining a virtual terminal (4, 5, fig. 2) with properties of a terminal with administration authorization (col. 6, lines 54-62); and a remote computer (T, fig. 2) connected to said telecommunications apparatus (2, fig. 2), and a data stream to and from said virtual terminal being diverted to said remote computer (col. 5, lines 62-66)."

Echensperger et al. relate to a computer system and method for performing multiple tasks. The abstract of *Echensperger et al.* states: "The computer system comprises a host (2), a communication subsystem (3), a plurality of application programs (1, 2), virtual terminal manager (5), virtual terminals (9, 4), an application programming interface (6), and a cross application program (7) as well as a real terminal T."

Echensperger et al. mention "telecommunication" in the
specification only in the passage in col. 5, line 64, through
col. 6, line 7, which is reproduced below:

> The data is … stored as a screen image which is always a
> true copy of a real screen buffer, including the
> extended attribute buffer. In this example, each session
> is under the control of the IBM virtual
> telecommunications access method VTAM preferably
> featuring IBM's advanced communication functions. The
> virtual telecommunications access method (VTAM) is a set
> of IBM programs that control communication between
> terminals and application programs and which cooperates
> with SNA. The virtual terminal manager makes usage of
> VTAM for the establishment of the logical connections.

That each session is under the control of the IBM virtual
telecommunications access method VTAM does not make the host
computer 2 a telecommunication apparatus in a
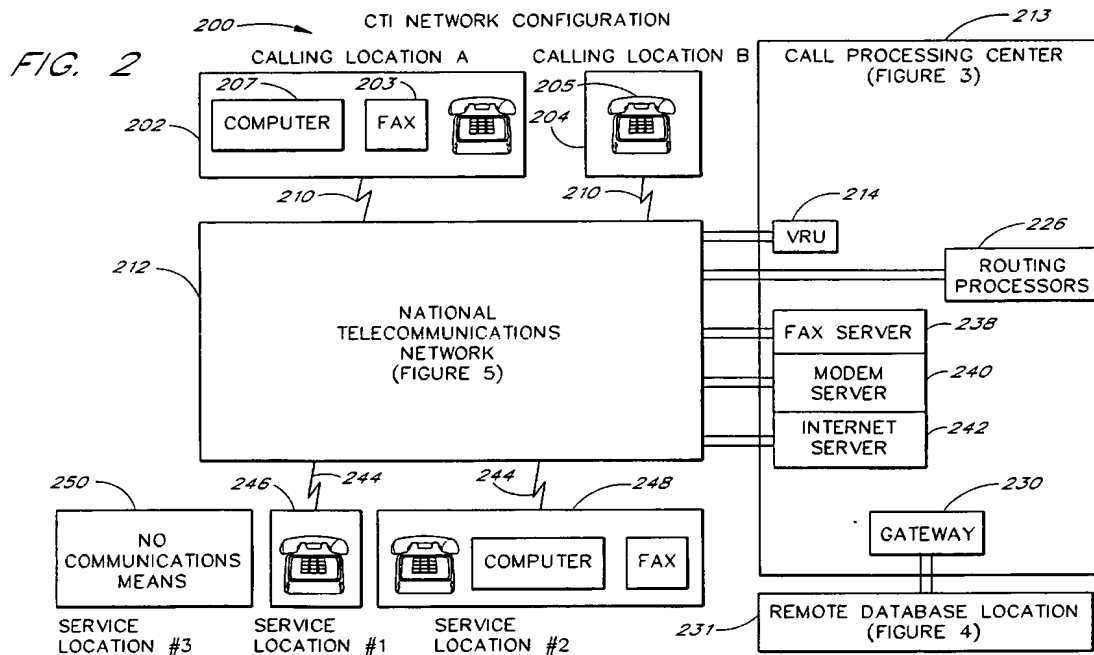telecommunication system, like the present invention as
recited in the claims.

Echensperger et al. do not mention the word "administration".
The passage cited by the Examiner states: "The user simulation
program 7 can only alter the contents of the virtual terminal
buffer when a user would be allowed to enter data on the real
terminal." (col. 6, lines 57-59). This is suggestive of user
authorization and not of administration authorization.

Accordingly it is believed that *Echensperger et al.* do not
show remote administration of a telecommunications apparatus
as recited in claim 1 of the instant application. Therefore,

the invention as recited in claim 1 of the instant application is believed not to be anticipated by *Echensperger et al.*.

In item 15 on page 5 of the Office action, the Examiner stated that *Shaffer et al.* disclose "a telecommunications apparatus (238, 240, 242, fig. 2) defining a terminal with properties of a terminal with administration authorization (col. 14, lines 64-67; col. 15, lines 1-16; col. 27, lines 15-29); and a remote computer (207, 248, fig. 2) connected to said telecommunications apparatus, and a data stream to and from said virtual terminal being diverted to said remote computer (col. 17, lines 61-67; col. 18, lines 1-9; col. 27, lines 30-48)."

Fig. 2 of *Shaffer et al.* is reproduced below, clearly showing the subject-matter of *Shaffer et al.*: A calling processing system.

FIG. 2

CTI NETWORK CONFIGURATION

200

CALLING LOCATION A   **CALLING LOCATION B**   **CALL PROCESSING CENTER (FIGURE 3)**   *213*

207 *203*   *205*
202 | COMPUTER | FAX | [phone] | *204* | [phone] |

210   *210*

212   **NATIONAL TELECOMMUNICATIONS NETWORK (FIGURE 5)**

214 | VRU | *226* | ROUTING PROCESSORS |

| FAX SERVER | *238*
| MODEM SERVER | *240*
| INTERNET SERVER | *242*

250   *246* *244*   *244*   *248*   *230* | GATEWAY |

| NO COMMUNICATIONS MEANS | [phone] | [phone] | COMPUTER | FAX |

SERVICE LOCATION #3   SERVICE LOCATION #1   SERVICE LOCATION #2   *231*   **REMOTE DATABASE LOCATION (FIGURE 4)**

Consequently, the cited passages of *Shaffer et al.* - col. 14, lines 64-67; col. 15, lines 1-16; col. 27, lines 15-29, - disclose **usage** of the telecommunication network but no **administration** of the telecommunication network. *Shaffer et al.* do not mention the word "administration" (the term "administrative burdens" is mentioned in col.1, lines 32-33).

The Examiner correctly stated in item 16 on page 5 of the Office action that *Shaffer et al.* do not disclose a virtual terminal. Notwithstanding, the Examiner stated that it would be obvious to include a virtual terminal "because it would provide for any terminal to communicate with any host computer." All the Examiner Examiner's statement does is acknowledge the advantages of the invention of the instant

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application. It does not render the claimed structure thereof obvious. The Examiner is also referred to MPEP § 2143 (8th edition, 1st revision) which states in the last paragraph: "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure."

The inventive concept of the invention of the instant application is to use a virtual terminal to connect a remote computer to the telecommunications apparatus for remote administration of the telecommunications apparatus. Neither a virtual terminal nor administration of a telecommunications apparatus are disclosed or suggested by *Shaffer et al.*. Consequently, the invention of the instant application - administration of a telecommunications apparatus using a virtual terminal - is therefore believed not to be obvious over *Shaffer et al.*. Hence, the invention as recited in claim 1 of the instant application is believed not to be obvious over *Shaffer et al.*.

It is accordingly believed to be clear that *Echensperger et al.* do not show the features of claim 1 and *Shaffer et al.* do not suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and because claims 2-11 are ultimately dependent on claim 1, they are believed to be patentable as well.
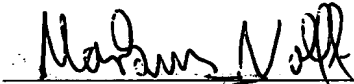
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In view of the foregoing, reconsideration and allowance of claims 1-11 are solicited.

If an extension of time is required, petition for extension is herewith made.

The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of $ 110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants

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Version with markings to show changes made:

Claim 1 (amended). A telecommunication system having a remote administration function, comprising:

a telecommunications apparatus [defining] having a virtual terminal with properties of a terminal with administration authorization; and

a remote computer connected to said virtual terminal of said telecommunications apparatus, and a data stream to and from said virtual terminal being diverted to said remote computer for remote administration of said telecommunications apparatus.

Claim 10 (amended). The telecommunication system according to claim 9, wherein said call processing unit has an application interface with an application module for bidirectional communication with said device handler for said UPN terminals and for controlling an online connection to said remote computer [for remote administration].